

**UNITED STATES DISTRICT COURT DISTRICT OF MARYLAND  
(Southern Division)**

MORGAN HOWARTH  
13520 Norwick Place  
Gainesville, Virginia 20155

Plaintiff,

v.

ACCESSIBLE HOME ASSOCIATES, LLC  
9406 Locust Hill Road  
Bethesda, Maryland 20814

Serve on Resident Agent:  
James M. Jorling  
9406 Locust Hill Road  
Bethesda, Maryland 20814

Defendant.

Case No. 8:17-cv-3368

**JURY TRIAL DEMANDED**

**COMPLAINT FOR COPYRIGHT INFRINGEMENT**  
(INJUNCTIVE RELIEF DEMANDED)

Plaintiff MORGAN HOWARTH by and through undersigned counsel, brings this Complaint against Defendant ACCESSIBLE HOME ASSOCIATES LLC for damages and injunctive relief, and in support thereof states as follows:

**SUMMARY OF THE ACTION**

1. Plaintiff MORGAN HOWARTH (“HOWARTH”), brings this action for violations of exclusive rights under the Copyright Act, 17 U.S.C. § 106, to copy and distribute Howarth’s original copyrighted works of authorship.

2. Morgan Howarth is an experienced professional photographer who makes a living from photography. Based in the Washington, D.C. area, Howarth has been a photographer for over 25 years and focuses on interior and architecture work. His rich and illustrative style brings

architecture to life by combining a multitude of separately lit images into one perfect shot.

Morgan has worked as a photographer for a multitude of national clients including Timex, Sears Catalog, The Lenox Hotel, Cole Haan Shoes, GH Bass Shoes, Timberland Shoe, CBS, and Home & Design Magazine, and has been exposed to many beautiful people and places throughout his career. However, he still considers the best part of any assignment to be the client's final "Wow!"

3. Howarth uses a combination of tungsten, daylight, and strobe light to create the best possible natural looking light to suit the needs of each room or scene. This process takes several different exposures and lighting set-ups per image which are then combined into one Hi-RES image.

4. Defendant ACCESSIBLE HOME ASSOCIATES LLC ("AHA") is a company specializing in the assessment and design of special needs accessible homes and spaces.

5. Howarth alleges that Accessible Home Associates LLC copied Howarth's copyrighted Works from the internet in order to advertise, market and promote its business activities. The Defendant committed the violations alleged in connection with Defendant's business for purposes of advertising and promoting sales to the public in the course and scope of the Defendant's business.

### **JURISDICTION AND VENUE**

6. This is an action arising under the Copyright Act, 17 U.S.C. § 501.

7. This Court has subject matter jurisdiction over these claims pursuant to 28 U.S.C. §§ 1331, 1338(a).

8. Defendant is subject to personal jurisdiction in Maryland.

9. Venue is proper in this district under 28 U.S.C. § 1391(b) and (c) and 1400(a) because the events giving rise to the claims occurred in this district, Defendant engaged in infringement in this district, Defendant resides in this district, and Defendant is subject to personal jurisdiction in this district.

### **DEFENDANT**

10. Accessible Home Associates LLC (“AHA”) is a Corporation with its principal place of business at 9406 Locust Hill Road, Bethesda, Maryland, 20814, and can be served by serving its Resident Agent, James M. Jorling, 9406 Locust Hill Road, Bethesda, Maryland, 20814.

### **THE COPYRIGHTED WORK AT ISSUE**

11. Howarth created three photographs which are shown below and referred to herein as the “Works”.





12. At the time he created the Works, Howarth applied copyright management information to the Works consisting of a watermark of the words © MORGAN HOWARTH in the middle of each photograph.

13. Howarth registered the Works with the Register of Copyrights on August 7, 2015 and was assigned the registration number VA 1-966-326. The Certificate of Registration is attached hereto as Exhibit 1.

14. At all relevant times Howarth was the owner of the copyrighted Works at issue in this case.

### **INFRINGEMENT BY DEFENDANT**

15. The Defendant has never been licensed to use the Works at issue in this action for any purpose.

16. On a date after the Works at issue in this action were created, but before the filing of this action, Defendant copied the Works.

17. Defendant copied Howarth's copyrighted Works without Howarth's permission.

18. After Defendant copied the Works, it made further copies and distributed the Works on the internet to promote the sale of goods and services as part of its assessment and design of special needs accessible homes and spaces.

19. Defendant copied and distributed Howarth's copyrighted Works in connection with Defendant's business for purposes of advertising and promoting Defendant's business, and in the course and scope of advertising and selling products and services.

20. Howarth's Works are protected by copyright but are not otherwise confidential, proprietary, or trade secrets.

21. Defendant committed copyright infringement of the Work as evidenced by Exhibit 2.

22. Howarth never gave Defendant permission or authority to copy, distribute or display the Works at issue in this case.

23. Howarth notified the Defendant of the allegations set forth herein on June 28, 2017. To date, the parties have not been able to come to a resolution of this matter. A copy of the Notice to the Defendant is attached hereto as Exhibit 3.

24. When AHA copied and displayed the Works at issue in this case, AHA removed Howarth's copyright management information from the Works.

25. Howarth never gave Defendant permission or authority to remove copyright management information from the Works at issue in this case.

26. Plaintiff has engaged the undersigned attorneys and has agreed to pay them a reasonable fee.

**COUNT I**  
**COPYRIGHT INFRINGEMENT**

27. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

28. Howarth owns a valid copyright in the Works at issue in this case.

29. Howarth registered the Works at issue in this case with the Register of Copyrights pursuant to 17 U.S.C. § 411(a).

30. AHA copied, displayed, and distributed the Works at issue in this case and made derivatives of the Works without Howarth's authorization in violation of 17 U.S.C. § 501.

31. AHA performed the acts alleged in the course and scope of its business activities.

32. Howarth has been damaged.

33. The harm caused to Howarth has been irreparable.

**COUNT II**  
**REMOVAL OF COPYRIGHT MANAGEMENT INFORMATION**

34. Plaintiff incorporates the allegations of paragraphs 1 through 26 of this Complaint as if fully set forth herein.

35. The Works at issue in this case contain copyright management information (“CMI”).

36. AHA knowingly and with the intent to enable or facilitate copyright infringement, removed CMI from the Works at issue in this action in violation of 17 U.S.C. § 1202(b).

37. Defendant committed these acts knowing or having reasonable grounds to know that it will induce, enable, facilitate or conceal infringement of Howarth’s rights in the Works at issue in this action protected under the Copyright Act.

38. Defendant caused, directed and authorized others commit these acts knowing or having reasonable grounds to know that they will induce, enable, facilitate or conceal infringement of Howarth’s rights in the Works at issue in this action protected under the Copyright Act.

39. Howarth has been damaged.

40. The harm caused to Howarth has been irreparable.

WHEREFORE, the Plaintiff prays for judgment against Defendant AHA that:

a. Defendant and its officers, agents, servants, employees, affiliated entities, and all of those in active concert with them, be preliminarily and permanently enjoined from committing the acts alleged herein in violation of 17 U.S.C. §§ 501, 1203;

b. Defendant be required to pay Plaintiff its actual damages and Defendant's profits attributable to the infringement, or, at Plaintiff's election, statutory damages, as provided in 17 U.S.C. §§ 504, 1203;

c. Plaintiff be awarded its attorneys' fees and costs of suit under the applicable statutes sued upon; and

d. Plaintiff be awarded such other and further relief as the Court deems just and proper.

Respectfully submitted,

STRAVITZ LAW FIRM, PC

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*Attorneys for Plaintiff Morgan Howarth*



**JURY DEMAND**

Plaintiff hereby demands a trial by jury of all issues so triable.

/s/ Eric N. Stravitz

Eric N. Stravitz (Bar No. 23610)